

DISTRICT OF THE U.S. VIRGIN ISLANDS
DIVISION OF ST. CROIX

James M. McNamara,

Plaintiff,

v.

Hess Corporation & Hess Oil New York
Corp.,

Defendants.

Civil Action No. 1:20-cv-00060

Jury Trial Demanded

STIPULATION OF PARTIAL STAY PENDING
RESOLUTION OF PLAINTIFF'S MOTION TO REMAND

WHEREAS, Plaintiff has moved to remand this action to the Superior Court of the Virgin Islands for lack of subject matter jurisdiction on the basis that defendant Hess Oil New York Corp. ("HONYC") is collusively joined (hereinafter, the "Motion to Remand").

WHEREAS, there are 32 similar actions before the Court where the plaintiff contends, on the same basis, that the Court lacks subject matter jurisdiction. *See* Exhibit A.

WHEREAS, Plaintiff, Hess Corporation, and HONYC conducted jurisdictional discovery in this action, but the parties to the other 32 actions did not undertake similar jurisdictional discovery.

WHEREAS, in the interest of judicial economy, it is the intention of Plaintiff (and the plaintiffs in the 32 other actions), defendant Hess Corp., and HONYC that this action serve as the lead action for consideration of whether HONYC is collusively joined.

WHEREAS, while not defendants in this action, Lockheed Martin Corp. and Glencore Ltd. are defendants in several of the 32 similar actions.

WHEREAS, Plaintiff (and the plaintiffs in the 32 other actions) desires to stay discovery (subject to limited carveouts) while the Motion to Remand is pending, believing there is good cause to do so, and sent counsel to Hess Corporation, HONYC, Lockheed Martin Corp., and Glencore Ltd.

a LR 37.1 letter regarding Plaintiff's position.

IT IS HEREBY STIPULATED AND AGREED by Plaintiff, the 32 plaintiffs in Exhibit A, Hess Corporation, and HONYC that:

1. Discovery in this case and all cases listed on Exhibit A will be stayed until there is a ruling on the Motion for Remand.

2. If the Motion to Remand is denied, discovery shall re-commence in those actions on Exhibit A in which Scheduling Orders are presently issued, and, without further Order of the Court, all dates contained within existing Scheduling Orders will be adjusted by 120 days as of the date of the order of denial.

3. Notwithstanding the stay, two items of discovery may nonetheless proceed in this action as well as in *William*, 20-cv-104; *Bernard*, 20-cv-80; *Munchez Nurse*, 20-cv-61; *Defreitas*, 20-cv-45; *Guadalupe*, 20-cv-51; *Gomez*, 20-cv-94; *Rivera Lopez*, 20-cv-57; and *Sergeant*, 20-cv-68:

a. Defense medical examinations shall proceed as scheduled (or be scheduled as necessary), and

b. Plaintiffs, as well as any identified co-workers of plaintiffs, may be deposed in February, March, and/or April 2022 by mutual agreement of counsel.

c. Discovery developed under this carveout may be used (subject to applicable rules) regardless of the court in which these cases ultimately proceed.

IT IS FURTHER STIPULATED AND AGREED by Plaintiff, the 32 plaintiffs in Exhibit A, Hess Corporation, and HONYC that non-parties Lockheed Martin Corp., and Glencore Ltd. are additional parties to this Stipulation, as they have manifest their respective assents to this Stipulation by separate letter agreements, which letters are attached hereto as Exhibit B and Exhibit C, and which shall be filed in any of the individual actions in Exhibit A in which Lockheed Martin Corp. or Glencore Ltd. is a defendant.

STIPUATED AND AGREED TO ON THIS 9th DAY OF DECEMBER, 2021

/s/ C. Jacob Gower

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*Attorneys for Defendants Hess Corporation and
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IT IS SO ORDERED.

GEORGE W. CANNON, JR
UNITED STATES MAGISTRATE JUDGE